

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BUILDING CODE APPEALS BOARD
DOCKET NO. 11-1072

_____)
Eric McKechnie,)
Appellant)
)
v.)
)
Town of Nantucket,)
Appellee)
_____)

BOARD'S DECISION ON APPEAL

Introduction

This matter came before the State Building Code Appeals Board ("Board") on Appellant's appeal application filed pursuant to G.L. c.143, §100 and 780 CMR 122.1 ("Application"). Appellant sought relief from 780 CMR 1609.1.1 and 1029.2 with respect to window installations for a new building located at 6 South Water Street, Nantucket , MA.

Procedural History

On or about October 27, 2011, the Building Commissioner for the Town of Nantucket denied a building permit application for a proposed renovation/addition project at 6 South Water Street because the project would not comply with 780 CMR 1609.1.2, 1029, and 2404.

The Board convened a public hearing on November 15, 2011, in accordance with G.L.c. 30A, §§10 & 11; G.L.c. 143, §100; 801 CMR 1.02; and 780 CMR 122.3. All interested parties were provided an opportunity to testify and present evidence to the Board.

Discussion

The Board considered the fact that the Town's Historic District rules require the installation of single-pane windows, which do not comply with Code.

Conclusion

The Board considered a motion to allow a variance from 780 CMR 1609.1.1 and 1029.2 on conditions that (1) wood structural panels (in compliance with 780 CMR 1609.1.1, Exception 1) are provided as a compliance alternative, are stored on site and are readily available for use; and (2) minimum window sizes provide no less than 20" x 24" clear openings ("Motion"). The Motion was **approved** by unanimous vote.



Dana Haagensen

Douglas Semple, Chair

Alexander MacLeod

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to Superior Court in accordance with G.L. c.30A, §14 within 30 days of receipt of this decision.

DATED: January 30, 2012